

## **REMARKS**

The non-final Office Action of August 9, 2005, has been reviewed by the Applicants. Claims 1, 2, 12, 16, 21, and 46 have been amended. Claims 3, 5-7, 9, 10, 13-15, 17-20, and 22-45 have been cancelled. Claims 1, 2, 4, 8, 11, 12, 16, 21, and 46-48 remain pending.

In paragraph 3, the Examiner stated that claim 21 was drawn to nonelected species and was therefore withdrawn from consideration. Applicants disagree with the Examiner's withdrawal of claim 21 because it recited some elected species. Claim 21 has been amended to recite the subject matter of claim 17 (from which it originally depended) and only the distinct species which fall within the restriction requirement. Applicants therefore believe that claim 21 may be examined as it falls fully within the scope of the restriction requirement. Applicants also believe this amendment of claim 21 follows the procedural requirements of the MPEP. However, if the Examiner disagrees, Applicants will recite this subject matter in a new claim.

### **I. The objections have been remedied.**

The Examiner objected to claims 6 and 7 under 37 CFR 1.75 as substantial duplicates thereof. The Examiner also objected to an informality in claim 7. As both claims have been cancelled, these objections are moot. Claims 6 and 7 were cancelled for reasons unrelated to this objection.

### **II. The claims are not anticipated.**

Claims 1-4, 6-8, and 46-48 were rejected under 35 USC 102(e) as anticipated by Oguma (US 2003/0165713). Applicants traverse the rejection.

Independent claims 1 and 46 have been amended so that the recited thienylene-arylene polymer consists only of thienylene and arylene units or segments. In Oguma, the repeating unit represented by formula (1) has a monomer consisting of two nitrogen atoms and Ar<sub>3-5</sub>. This monomer is required by Oguma, but is expressly excluded by the instant independent claims. Therefore, Oguma does not meet all claim limitations and does not anticipate. Applicants request withdrawal of the 102(e) rejection based on Oguma.

### III. The claims are not obvious.

Claims 11, 12, and 14-16 were rejected under 35 USC 103(a) as obvious over Garnier (US 5,347,144) in view of Oguma. Applicants traverse the rejection.

The combination of references does not disclose all claim limitations. As discussed above, Oguma does not disclose the polymer of instant claim 1. Because the rejected claims all depend from claim 1, a *prima facie* case of non-obviousness has not been made. See MPEP § 2143.03; *In re Fine*. Applicants request withdrawal of the 103(a) rejection based on Garnier and Oguma.

### CONCLUSION

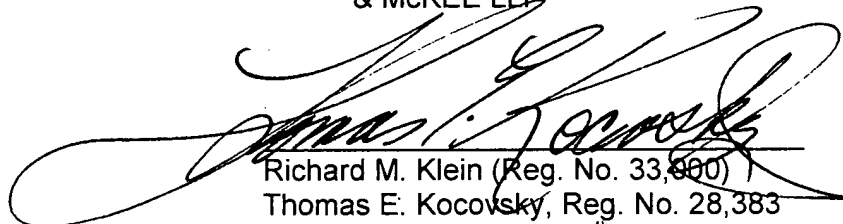
For the above reasons, Applicants submit all pending claims (11, 2, 4, 8, 11, 12, 16, 21, and 46-48) are in condition for allowance. Withdrawal of the rejections and issuance of a Notice of Allowance is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby authorized to call Richard M. Klein, at telephone number 216-861-5582, Cleveland, OH.

It believed that no fee is due in conjunction with this response. If, however, it is determined that fees are due, authorization is hereby given for deduction of those fees, other than the issue fees, from Deposit Account No. 24-0037.

Respectfully submitted,

FAY, SHARPE, FAGAN, MINNICH  
& McKEE LLP

A large, stylized handwritten signature in black ink, likely belonging to Richard M. Klein, is written over the typed name and address.

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